

## REMARKS

The Office Action dated November 3, 2006 has been received and carefully noted. Claims 1-15 were examined. The specification was objected to as failing to comply with 37 C.F.R § 1.77(b) because the specification did not contain section headings. The drawings were objected to as failing to comply with 37 C.F.R § 1.83(a) because the drawings did not show every feature of the invention specified in the claims. Claims 6-15 were objected to under 37 C.F.R. § 1.75(c) as being in improper form. Claims 1-5 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regard as the invention.

The specification has been amended to correct the informalities. Claim 1 has been amended to clarify the invention and to correct an incorrect reference to a drawing. Claims 6-8 and 12-15 are amended to remove improper multiple dependencies. As such, no new matter has been added.

Claims 1-15 remain pending in the application. Reconsideration of the pending claims is respectfully requested in view of the amendments and following remarks.

### **I. Drawing Objection**

The Office Action objected to the drawings as failing to comply with 37 C.F.R § 1.83(a). Examiner specifically states that "the tubes having a flattened and oval cross-section must be shown or the feature(s) canceled from the claim(s)." *See Office Action, page 2, lines 12-14.* Applicants respectfully disagree that the features are not shown.

The tubes which constitute the bundles 21 and 31 having a flattened and oval cross-section is clearly shown in figures 1, 3, 5, 8 and 10 and textually described on page 10 and 11 of the specification. As mentioned in the application, they are the same type of tubes that constitute the heat exchange described in prior art reference described in WO-94/16272. The positions of these tubes in this invention are marked and indicated in these figures and there is no change in their structure when compared to the tubes in the prior art. 35 C.F.R § 183(b) requires that when an invention consists of an improvement of an old machine, the drawings may depict only so much of the old structure as will suffice to show the connection of the invention therewith. As such, Applicants believe that the figures 1, 3, 5, 8 and 10 depict the

tubes in sufficient detail to describe every feature of the invention specified in the claims. Applicants respectfully request withdrawal of 37 C.F.R. § 1.83(a) objection to these drawings.

## **II. Objections to specification**

Examiner objected to the arrangements and other informalities in the specification. Applicants have added section headings as required by 37 C.F.R. § 1.77(b). Informalities identified on pages 10, 14 and 18 have been corrected as mentioned in the amended specification above.

On page 3, line 18 of the specification, Examiner objected to mislabeling of “envelope 8”. This section of the application is describing the prior art, WO 94/16272. “Envelope 8” correctly labels the envelope within which the two heat exchange bundles are mounted as depicted in figure 22 of that document. Applicants respectfully request withdrawal of objection to this line in the specification.

Examiner objected to page 18, lines 28-20 and page 19, lines 1-3 and 7 as not being consistent with the figures these lines correspond to. This section of the specification, starting from page 18, line 22, describes figures 5-7. It describes an embodiment that has a horizontal orientation and the two bundles 21 and 31 being placed side by side. *Page 18, lines 28-30.* Thus, similar to figures 5 and 7, Fig. 6 should be viewed with the two bundles side by side. When these figures are oriented the right way, the textual description in page 18, lines 28-20 and page 19, lines 1-3 and 7 correspond with the figures. Applicants respectfully request withdrawal of objections to these lines in the specification.

## **III. Claims Rejected Under 35 U.S.C. § 112**

Claims 1-5 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

With regard to claim 1, it has been amended to clarify that the “adjacent turns” recited in claim 1, lines 10-14 recites the limitation of the helical coil. As such, it should now be clear that the structure the Applicants are discussing is the helical coil in this limitation. Therefore, Applicants respectfully request the withdrawal of the rejection of claim 1 under 35 U.S.C. § 112, second paragraph.

Claims 2 -5 depend from independent claim 1 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to their independent claim, these claims are not indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Applicants request the withdrawal of 35 U.S.C. § 112 rejection with regard to claims 2-5.

### CONCLUSION

In view of the remarks made above, it is respectfully submitted that pending claims 1-15 define the subject invention over the prior art of record. Thus, Applicants respectfully submit that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date.

Respectfully submitted,

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